

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Diane E. Liberatore
Debtor(s)

Bankruptcy Case No.: 18-20241-JAD
Issued Per Apr. 9, 2018 Proceeding
Chapter: 13
Docket No.: 34 – 6
Concil. Conf.: September 13, 2018 at 10:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 23, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,450 as of April 2018. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Sep. 13, 2018 at 10:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Specialized Loan Servicing at Claim No. 6 .
- ☒ H. Additional Terms: The secured claim of Wells Fargo Bank at Claim No. 11 shall govern as to claim amount, to be paid at the modified plan terms.
The claim of Ally Bank at Claim No. 4 shall be paid outside the plan by co-debtor mother.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: April 13, 2018

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Diane E. Liberatore
 Debtor

Case No. 18-20241-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 42

Date Rcvd: Apr 13, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 15, 2018.

db +Diane E. Liberatore, 545 11th Avenue, New Brighton, PA 15066-1442
 cr +Specialized Loan Servicing LLC, 14841 Dallas Parkway, Suite 425, Dallas, TX 75254-8067
 cr +Wells Fargo Bank, N.A., d/b/a Wells Fargo Dealer S, c/o Brett A. Solomon, Esquire,
 Tucker Arensberg, P.C., 1500 One PPG Place, Pittsburgh, PA 15222-5413
 14765314 +Citizens Bank N.A., 1 Citizens Drive Mailstop ROP15B, Riverside, RI 02915-3019
 14762729 +Comenity Bank/Venus Credit, PO box 182789, Columbus, OH 43218-2789
 14798803 Directv, LLC, by American InfoSource LP as agent, PO Box 5008,
 Carol Stream, IL 60197-5008
 14762731 +Enhanced Recovery Corp., PO Box 57547, Jacksonville, FL 32241-7547
 14762732 +First National Credit, 500 E. 60th St. N, Sioux Falls, SD 57104-0478
 14770560 +HSBC Bank USA, N.A. Trustee (See 410), c/o Specialized Loan Servicing LLC,
 8742 Lucent Blvd, Suite 300, Highlands Ranch, Colorado 80129-2386
 14762733 +Home Depot/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
 14762736 +Leon P. Haller, Esquire, 1719 North Front Street, Harrisburg, PA 17102-2305
 14762740 Portfolio Recovery Associates, 120 Corporate Blvd., Cumberland, MD 21502
 14762741 +RBS Citizens NA, 1000 Lafayette Blvd., Bridgeport, CT 06604-4725
 14762742 Specialized Loan Servicing, PO Box 66005, Littleton, CO 80163
 14762746 +TD Bank USA/Target, PO Box 673, Minneapolis, MN 55440-0673
 14762747 +US Department of Education, National Payment Center, PO Box 105028,
 Atlanta, GA 30348-5028
 14762748 +Verizon, 500 Technology Dr., Ste. 300, 412372157, MO 63304-2225
 14762749 #+Verizon Wireless, PO Box 26055, Minneapolis, MN 55426-0055
 14791643 Wells Fargo Bank N.A., d/b/a Wells Fargo Dealer Se, P.O. Box 19657, Irvine, CA 92623-9657
 14762750 +Wells Fargo Dealer Services, PO Box 1697, Winterville, NC 28590-1697

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14796719 +E-mail/Text: g20956@att.com Apr 14 2018 01:50:17 AT&T Mobility II LLC,
 %AT&T SERVICES INC., KAREN A. CAVAGNARO PARALEGAL, ONE AT&T WAY, SUITE 3A104,
 BEDMINSTER, NJ. 07921-2693
 14765715 E-mail/Text: ally@ebn.phinsolutions.com Apr 14 2018 01:49:04 Ally Financial,
 PO Box 130424, Roseville MN 55113-0004
 14762728 +E-mail/Text: ally@ebn.phinsolutions.com Apr 14 2018 01:49:04 Ally Financial,
 PO Box 380901, Minneapolis, MN 55438-0901
 14762730 +E-mail/Text: abovay@creditmanagementcompany.com Apr 14 2018 01:50:13 Credit Management Co.,
 2121 Noblestown Rd., Pittsburgh, PA 15205-3956
 14798704 +E-mail/Text: kburkley@bernsteinlaw.com Apr 14 2018 01:50:26 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 14762734 +E-mail/Text: bankruptcy@huntington.com Apr 14 2018 01:49:42 Huntington National Bank,
 PO Box 182387, Columbus, OH 43218-2387
 14762735 E-mail/Text: JCAP_BNC_Notices@jcap.com Apr 14 2018 01:50:07 Jefferson Capital Systems,
 16 McLeland Road, Saint Cloud, MN 56303
 14792209 E-mail/Text: JCAP_BNC_Notices@jcap.com Apr 14 2018 01:50:07 Jefferson Capital Systems LLC,
 Po Box 7999, Saint Cloud MN 56302-9617
 14767773 +E-mail/Text: bankruptcydpt@mcmcg.com Apr 14 2018 01:49:44 MIDLAND FUNDING LLC,
 PO BOX 2011, Warren MI 48090-2011
 14762737 +E-mail/Text: bankruptcydpt@mcmcg.com Apr 14 2018 01:49:44 Midland Funding,
 2365 Northside Drive, Suite 300, San Diego, CA 92108-2709
 14762738 +E-mail/Text: nhc@nhchome.com Apr 14 2018 01:49:03 National Hospital Collection,
 PO Box 699, Morgantown, WV 26507-0699
 14762739 +E-mail/Text: blegal@phfa.org Apr 14 2018 01:49:52 PA Housing Finance Agency,
 211 N. Front Street, Harrisburg, PA 17101-1406
 14779121 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 14 2018 01:45:14
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14763197 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 14 2018 01:45:36
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14804535 +E-mail/Text: blegal@phfa.org Apr 14 2018 01:49:52 Pennsylvania Housing Finance Agency,
 211 North Front Street, Harrisburg, PA 17101-1406
 14798931 E-mail/Text: bnc-quantum@quantum3group.com Apr 14 2018 01:49:24
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
 14762743 +E-mail/PDF: gecsedirecoverycorp.com Apr 14 2018 01:45:21 SYNCB/ TJX, PO Box 965015,
 Orlando, FL 32896-5015
 14762744 +E-mail/PDF: gecsedirecoverycorp.com Apr 14 2018 01:45:33 SYNCB/JC Penneys, PO Box 965036,
 Orlando, FL 32896-5036
 14762745 +E-mail/PDF: gecsedirecoverycorp.com Apr 14 2018 01:45:33 SYNCB/Walmart DC, PO Box 965024,
 Orlando, FL 32896-5024
 14804581 +E-mail/Text: bncmail@w-legal.com Apr 14 2018 01:50:02 TD Bank USA, N.A.,
 C O WEINSTEIN & RILEY, PS, 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132
 14764642 +E-mail/Text: bankruptcy@huntington.com Apr 14 2018 01:49:42 The Huntington National Bank,
 P O Box 89424, Cleveland OH 44101-6424
 14762748 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Apr 14 2018 01:49:01
 Verizon, 500 Technology Dr., Ste. 300, 412372157, MO 63304-2225
 14797438 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Apr 14 2018 01:54:44 Verizon,
 by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 42

Date Rcvd: Apr 13, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center
(continued)

14762749 +E-mail/Text: wfmelectronicbankruptcyntifications@verizonwireless.com Apr 14 2018 01:49:01
Verizon Wireless, PO Box 26055, Minneapolis, MN 55426-0055

TOTAL: 24

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
cr HSBC BANK USA, NATIONAL ASSOCIATION, as Indenture
cr* +Duquesne Light Company, c/o Bernstein-Burkley, P.C.,
707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTALS: 1, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 15, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 13, 2018 at the address(es) listed below:

Allison L. Carr on behalf of Creditor Duquesne Light Company acarr@bernsteinlaw.com,
acarr@ecf.courtdrive.com; cwirick@ecf.courtdrive.com
Amy L. Zema on behalf of Debtor Diane E. Liberatore amy@zemalawoffice.com
Brett A. Solomon on behalf of Creditor Wells Fargo Bank, N.A., d/b/a Wells Fargo Dealer
Services bsolomon@tuckerlaw.com,
agilbert@tuckerlaw.com; cabbott@tuckerlaw.com; dparanay@tuckerlaw.com
James Warmbrodt on behalf of Creditor HSBC BANK USA, NATIONAL ASSOCIATION, as Indenture
Trustee, for the FBR Securitization Trust 2005-2 Callable Mortgage-Backed Notes, Series 2005-2
bkggroup@kmlawgroup.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 6